

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

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MARC VEASEY, JANE HAMILTON, )  
SERGIO DELEON, FLOYD J. CARRIER, )  
ANNA BURNS, MICHAEL MONTEZ, )  
PENNY POPE, OSCAR ORTIZ, KOBY )  
OZIAS, JOHN MELLOR-CRUMLEY, PEGGY )  
HERMAN, EVELYN BRICKNER, GORDON )  
BENJAMIN, KEN GANDY, LEAGUE OF )  
UNITED LATIN AMERICAN CITIZENS )  
(LULAC), AND DALLAS COUNTY, TEXAS, )

*Plaintiffs,*

v.

RICK PERRY, Governor of Texas; and JOHN )  
STEEN, Texas Secretary of State, )

*Defendants.*

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UNITED STATES OF AMERICA, )

*Plaintiffs,*

TEXAS LEAGUE OF YOUNG VOTERS )  
EDUCATION FUND, IMANI CLARK, AND )  
MICHELLE BESSIAKE, )

*Plaintiff-Intervenors,*

TEXAS ASSOCIATION OF HISPANIC )  
COUNTY JUDGES AND COUNTY )  
COMMISSIONERS, HIDALGO COUNTY, )  
AND MARIA LONGORIA BENAVIDES, )

*Plaintiff-Intervenors,*

v.

STATE OF TEXAS, JOHN STEEN, in his )  
official capacity as Texas Secretary of State; )  
and STEVE McCRAW, in his official capacity )  
as Director of the Texas Department of Public )  
Safety, )

*Defendants.*

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CIVIL ACTION NO.

2:13-CV-193 (NGR)

[Lead case]

CIVIL ACTION NO.

2:13-CV-263 (NGR)

[Consolidated case]

TEXAS STATE CONFERENCE OF NAACP )  
 BRANCHES; and the MEXICAN )  
 AMERICAN LEGISLATIVE CAUCUS OF )  
 THE TEXAS HOUSE OF )  
 REPRESENTATIVES, )

*Plaintiffs,* )

v. )

JOHN STEEN, in his official capacity as )  
 Secretary of State of Texas; and STEVE )  
 McCRAW, in his official capacity as Director )  
 of the Texas Department of Public Safety, )

*Defendants.* )

CIVIL ACTION NO.  
 2:13-CV-291 (NGR)  
 [Consolidated case]

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BELINDA ORTIZ, LENARD TAYLOR, )  
 EULALIO MENDEZ JR., LIONEL )  
 ESTRADA; ESTELA GARCIA ESPINOSA, )  
 LYDIA LARA, MARGARITO MARTINEZ )  
 LARA, MAXIMINA MARTINEZ LARA, AND )  
 LA UNION DEL PUEBLO ENTERO, INC. )

*Plaintiffs,* )

v. )

STATE OF TEXAS, JOHN STEEN, in his )  
 official capacity as Texas Secretary of State; )  
 and STEVE McCRAW, in his official capacity )  
 as Director of the Texas Department of Public )  
 Safety, )

*Defendants.* )

CIVIL ACTION NO.  
 2:13-CV-348 (NGR)  
 [Consolidated case]

**DEFENDANTS' AND THE UNITED STATES OF AMERICA'S STATEMENTS  
 REGARDING DEFENDANTS' NOTICE OF INTENTION TO TAKE ORAL  
DEPOSITION OF THE UNITED STATES OF AMERICA**

As directed by the Court, Defendants hereby submit statements of the  
 Defendants and the United States of America ("United States") regarding the  
 Defendants' Notice of Intention to Take the Oral Deposition of the United States  
 pursuant to Fed. R. Civ. P. 30(b)(6).

**I. Statement of the Defendants**

Defendants first noticed the 30(b)(6) Deposition of the United States on April 16, for almost one month later, Wednesday, May 14 (“Deposition Notice”). Defendants issued a slightly corrected version of the Deposition Notice on April 18. Late in the evening of May 7, three full weeks after first being served with the Deposition Notice, the United States sent a letter to Defendants objecting to each and every Topic in the Deposition Notice and demanded that Defendants inform the United States by the following day, May 8, if they would agree to withdraw the Deposition Notice in its entirety. On May 8, Defendants indicated that they would respond in detail to the various objections asserted by the United States (in order to try and find common ground), but would not agree to withdraw the Deposition Notice *in toto*. On Monday, May 12, before the Defendants had ample time to respond to the numerous objections raised by the United States, DOJ filed a Motion for a Protective Order seeking to quash the Deposition Notice in its entirety. Defendants arrived on May 14 to take the deposition at the date and time indicated in the Notice; the United States did not appear.

The Court directed the parties to confer at the hearing on May 15. Defendants immediately made themselves available the following morning, May 16. During the May 16 conference, Defendants shared their willingness to work with the United States and offered several concessions with regards to the Deposition Notice (including the withdrawal of one Topic in its entirety). The United States, however,

reiterated the position that it took the prior day before the Court: no agreement, short of total withdrawal of the notice, could be reached.

The Topics in the Deposition Notice include topics that pertain to either allegations specifically raised by the Plaintiffs in this case or to affirmative defenses that Defendants will raise should its motion to dismiss be denied. In general, those topics are: (1) Administrative Preclearance; (2) enforcement and implementation of the Voting Rights Act; (3) various allegations in the United States' Complaint regarding the alleged impact of SB 14 and the political processes in Texas; (4) voter demographics in Texas; (5) threats to the integrity of elections (i.e., election crimes and voter fraud); and (6) statutes and regulations relating to federal requirements to present photographic identification.

Given the amount of time that an entire month has already passed since Defendants noticed the deposition, Defendants will respectfully request that the Court set a hearing at the earliest possible date to resolve this dispute. Waiting until the May 28 status conference to resolve this dispute would unnecessarily prejudice Defendants to conduct adequate discovery regarding issues raised by the United States (and other plaintiffs) in this case.

## **II. Statement of the United States**

The United States requests that the Court set a briefing schedule on the Motion for Protective Order (ECF 276) filed with respect to Defendants' Rule 30(b)(6) notice of deposition to the United States. The issues raised in the United

States' Motion for a Protective Order are too weighty and too numerous to be resolved without a written opposition and reply. Given that the Court has set **May 28** as the next status conference, we would propose that Defendants file their opposition to the United States' protective order by 5pm on **May 22**, and that the United States file its reply by noon on **May 27**.

Defendants have served an extensive Rule 30(b)(6) notice of deposition on the United States that proceeds through 39 topics. Such a Rule 30(b)(6) notice being served on the United States is unprecedented in litigation under the Voting Rights Act involving the United States. Such notice is legally unjustified in its entirety for all the reasons described by the United States in its Motion for Protective Order filed May 12, 2014 (ECF 276).

Defendants have had full benefit of having the United States' written position on each of the issues raised in the Motion for Protective Order since May 7, 2014, when the United States sent a lengthy, substantive letter requesting that Defendants withdraw each of the 39 specific topics noticed. When Defendants declined to do so, the United States filed the Motion for Protective Order on May 12, 2014, in advance of the date on which Defendants scheduled the deposition. To proceed to a hearing without having been apprised in writing of what Defendants intend to argue would be severely prejudicial to the United States. For that reason, the United States respectfully requests the opportunity to have these issues resolved following the briefing schedule suggested above.

Dated: May 19, 2014

Respectfully submitted,

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COUNSEL FOR THE STATE OF TEXAS,  
RICK PERRY, JOHN STEEN, and STEVE  
MCCRAW

**CERTIFICATE OF SERVICE**

I hereby certify that on May 19, 2014, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Ben A. Donnell  
BEN A. DONNELL